

## **TITLE III FREQUENTLY ASKED QUESTIONS**

**Frequently asked questions (FAQs) are listed below covering:**

- *Funding: For English Language Learners (ELLs) and Immigrant Children and Youth*
- *Accountability measures(Annual Measurable Achievement Objectives=AMAOs)*
- *Parental Notification requirements*
- *Student Withdrawals from programs*
- *Special Education concerns*

### **FUNDING: For ELLs**

**How does the Arizona Department of Education (ADE) allocate Title III funds to eligible local educational agencies (LEAs)?**

The ADE provides sub-grants to LEAs for English Language Learners (ELLs), or limited English proficient (LEP) students on the basis of a formula. The formula is as follows:

- a. Allocations are based on the total number of **identified ELLs**, as determined by the Arizona English Language Learner Assessment (AZELLA) and a program participation, submitted for all LEAs into the Student Accountability Information System (SAIS),
- b. The total federal allocation is divided by the total number of students reported,
- c. This results in a single per pupil amount,
- d. The per pupil amount is then multiplied by the number of students in an LEA.

**How does an LEA apply for ELL funds under Title III?**

- An LEA must assess students and then enter those students who qualify into ELL programs,
- The students must have a current assessment, program participation and an entry date into a program entered into SAIS to be identified as an ELL.
- Based upon the number of identified ELLs each LEA has reported in SAIS, the Arizona Department of Education sends out funding allocation letters.
- The LEA must access the Arizona Department of Education Grants Management Enterprise (GME) for the appropriate grant application, e.g., the “Title III LEP Program”.
- Once an application for the Title III funding is received by ADE it is reviewed for approval and if approved, the LEA may begin to draw down funding.
- To be eligible for a direct-funded Title III sub-grant, LEAs must be scheduled to receive a sub-grant of \$10,000 or more. If the allocation is for less than \$10,000.00, the LEA must join a consortium. (See below)

**Must an LEA reapply each year for Title III funds?**

Yes, eligible LEAs must apply for Title III funds annually and ensure compliance with Title III statute and regulations each year. LEAs may apply online through the Arizona Department of Education Grants Management Enterprise (GME) system at <http://www.ade.az.gov/gme/>. LEAs must meet all evaluation and reporting requirements (Title III, sections 3114, 3115, 3116, 3121, and 3123). Additionally, LEAs must comply with any added assurances or data collection elements appended to the sub-grant fiscal application.

### **May an LEA carry over Title III funds from one school year to another?**

Yes, LEAs may carry over Title III funds from one year to the next, with a maximum of twenty-seven months. For example, funding received July 1, 2010 will expire September 30, 2012. There is no cap on the percentage of funding that may be carried over for Title III.

### **How can Title III funds be used?**

Title III has **two required activities** for funding:

1. To increase the English proficiency of limited English proficient children by providing high-quality language instruction programs and,
2. To provide high-quality professional development to classroom teachers, principals, administrators, and other school or community-based organizational personnel.

Each fiscal application for funding is reviewed to ensure that both of these required activities are included. The legislation does not require that a specific percentage of the funding be used for either of these purposes. A full list of required and authorized expenditures may be found in title III, Section 3115(c) (d).

### **How can funds be used to provide professional development?**

Title III, Section 3115 (c) (2), specifies and requires high quality professional development activities that are:

- (A) designed to improve the instruction and assessment of limited English proficient children;
- (B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for limited English proficient children;  
scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers;
- (C) based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and
- (D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher.

### **What materials may be purchased?**

Title III funds may only be used to provide additional supplementary materials (Title III, Section 3115 (d) (g)). **Basic instructional materials (for core curriculum) may not be purchased with Title III funds.**

**What do the terms "supplement" and "supplant" mean?**

Title III, Section 3115(g), requires that funds available under a sub-grant be used "...to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds." For example, if a particular activity last year was paid with non-federal funds, the same activity this year cannot be paid with federal funds. State-mandated activities must be paid with state funds first. There are four questions noted below an LEA should check before requesting funding. Remember: Services provided through Title III must be **in addition** to the below:

1. What services are provided to ALL students?
2. What does the LEA do to meet Lau requirements? (identification and placement of ELLs)
3. What services are the LEA required to offer by other Federal, State and local laws?
4. Was the program previously funded with Federal, State or local funding?

**Is an LEA that receives an LEP student sub-grant under Title III required to submit a report on the use of funding?**

At the conclusion of each school year, each LEA is required to submit a final annual fiscal report (Completion Report) of all Title III expenditures. Additional information on this matter and related fiscal issues can be found on the GME site: <http://www.ade.az.gov/GME>.

**Is it allowable to use Title III funds to pay for administrative costs?**

Yes, it is allowable to use Title III funds to pay for administrative costs to implement the Title III program. However the amount of Title III funds which may be used to pay administrative costs to implement the program **must not exceed 2% of the program's budget amount. In calculating total administrative costs subject to the 2% limit, all appropriate indirect and direct costs, such as administrative salaries, must be included.** If the local education agency (LEA) contracts with an outside vendor to provide Title III services, the LEA must require that the contractor break out administrative costs, which are included within the 2% limit, as well.

**Can Title III funds be used to pay stipends as extra duty pay for staff to carryout Title III-specific activities?**

Use of the term, extra-duty pay, typically refers to payment to staff already paid through the same program in question. As long as the activity is Title III-specific and supplemental (and meets all other supporting conditions, such as necessary and reasonable, etc.), it is allowable.

**Can Title III funds be used to send a teacher to a conference such as a conference on English Language Development or Structured English Immersion?**

This is allowable as long as all other supporting conditions are met (e.g., it is reflected in the application, it is determined to be necessary and reasonable, the teachers are serving LEP students, etc.).

**Can Title III funds be used to fund a portion of a coach or mentor's salary?**

This is allowable providing all other supporting conditions are met and the district maintains time and effort records to demonstrate the time spent on instructional and/or administrative duties. (Please see the attached sample of time and effort documentation)

**Can Title III funds be used for employee benefit payouts at the time of retirement?**

The Education Department General Administrative Regulations (EDGAR), 34 C.F.R. section 80.22 indicates that employee benefits are an allowable cost under a Federal grant "to the extent that benefits are reasonable and are required by law, governmental unit-employee agreement, or an established policy of the governmental unit." In addition, such benefits must be allocable to Title III — that is, the costs must be relative to the benefits received. A cost that is allocable under a particular award may not be charged to another award to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the award, or for other reasons.

OMB Circular A-87 provides that "Payments for unused leave when an employee retires or terminates employment are allowable in the year of payment provided they are allocated as a general administrative expense to all activities of the governmental unit or component."

**Are private schools eligible to receive Title III funds?**

No, as private schools are not LEAs, they are not eligible to receive Title III funds, directly; however, ELL and immigrant students enrolled in private schools should receive Title III services provided by the public schools in their geographical jurisdiction (Title IX, Section 9501). The LEA must provide timely and equitable services to the private schools.

**Are ELLs in private schools eligible to receive Title III LEP programs, services, and products?**

Yes, as long as the students are identified in an appropriate manner, ELLs in a private school may participate in programs and receive services and products funded by Title III. Private schools may not receive funds directly. After timely and meaningful consultation with the private school, the LEA must provide the private school with equitable services. The control of funds used to provide services and the title to materials and equipment purchased with those funds must be retained by the LEA. In addition, services for private school children and educational personnel must be provided by employees of the LEA or through a contract made by the LEA with a third party.

**What process should be used to identify ELL students in private schools?**

The Arizona Department of Education recommends that private schools establish an agreement with the LEA to use procedures parallel to those used by public schools. The process is as follows:

1. A home language survey should be completed by the parents of private school students. Private schools should use the same home language survey as that used in the LEA.
2. If the student speaks a language other than English, an English-language assessment should be administered to determine whether the student is limited-or fluent-English proficient. Private schools do not have access to the AZELLA, therefore; the LEA must provide the testing materials.

**How much of an LEA's Title III allocation must be used to support programs, services, and products in private schools?**

The *No Child Left Behind Act* specifies that assistance to ELL students in private schools should be "comparable" to that of ELL students in public schools (Title IX, Part E, Section 9501). One method to determine comparability is to recalculate the per pupil allocation of Title III ELL student funds. ADE provides an additional Title III allocation to those public districts that report the numbers of **identified** ELLs in private schools in an annual survey.

**What determines the makeup of a Consortium?**

If an LEA is scheduled to receive Title III sub-grant of less than \$10,000, the LEA must enter into an agreement to form and/or join a consortium in which the total amount of the sub-grants of members of the consortium collectively total \$10,000 or more. In the case of a consortium of LEAs, only the lead LEA is the grantee, and that lead LEA is responsible for dispensing funds, proper record-keeping and providing all information to the ADE. (Title III, Section 3114).

**How can Title III funds be used to provide services for students identified for Special Education and as ELLs?**

Special education services, as identified in a student's Individualized Education Plan (IEP), must be provided with non-Title III funds. However, supplementary language instruction may be provided to LEP students who are also identified as special education students.

**FUNDING: For Immigrant Children and Youth**

**How is an immigrant student defined?**

The term immigrant children and youth means individuals who-

- A. are aged 3 through 21;
- B. were not born in any state; and
- C. have not been attending one or more schools in any one or more States for more than 3 full academic years.

**How does ADE allocate Immigrant Children and Youth funds to LEAs?**

The Department provides sub-grants to LEAs for immigrant students on the basis of a formula. The formula is as follows:

- a. Allocations are based on the total number of **identified immigrants** submitted for all LEAs into **SAIS**,
- b. The total federal allocation is divided by the total number of students reported,
- c. This results in a single per pupil amount,
- d. The per pupil amount is then multiplied by the number of immigrant students in an LEA.

Based upon the number of identified immigrant students each LEA has reported in SAIS, the Arizona Department of Education sends out funding allocation letters indicating whether or not the LEA has qualified to receive this funding. An LEA must show a "significant increase" in the amount of immigrant students over the past two years. This "significant increase" is defined in Arizona as an increase in the preceding fiscal year over the average of the second and third preceding years, **of at least 10 students or 25% in the number of students**. In order to ensure a responsible program, no LEA will receive an award if they have less than 10 immigrant students.

**How does an LEA apply for Immigrant funds?**

- An LEA must identify immigrant students at registration and enter an Immigrant Need code for those students who qualify as an “immigrant” into SAIS,
- Based upon the number of identified immigrants each LEA has reported in SAIS, the Arizona Department of Education sends out funding allocation letters.
- The LEA must access the Arizona Department of Education Grants Management Enterprise (GME) for the appropriate grant application, e.g., the “Emergency Immigrant Education Program”.
- Once an application for the Title III funding is received by ADE it is reviewed for approval and if approved, the LEA may begin to draw down funding.

**Must an LEA reapply each year for Immigrant funds?**

Yes, eligible LEAs must apply for Immigrant funds annually as the number of students from one year to the next determines whether or not an LEA will qualify for funding.

**May an LEA carry over Immigrant funds from one school year to another?**

Yes, LEAs may carry over Immigrant funds from one year to the next, with a maximum of twenty-seven months. For example, funding received July 1, 2010 will expire September 30, 2012. There is no cap on the percentage of funding that may be carried over for Immigrant funds.

**How may Immigrant funds be used?**

This funding is to be used **to provide enhanced instructional opportunities** for immigrant children and youth. (Title III Section 3115, (e) (1))The following is a list of approvable activities:

- (A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
- (B) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- (C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;
- (D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;
- (E) basic instruction services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;
- (F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and
- (G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

## **ACCOUNTABILITY: Annual Measurable Achievement Objectives (AMAOs)**

### **What are the Title III accountability provisions?**

Title III requires that states hold local educational agencies accountable for meeting three Annual Measurable Achievement Objectives (AMAOs) for English learners.

- a. The first AMAO relates to “**making progress**” as measured by the AZELLA.
- b. The second AMAO relates to attaining English proficiency or “**reclassification**” as measured by the AZELLA.
- c. The third AMAO relates to the ELL subgroup making Adequate Yearly Progress (AYP) in reading and math as measured by AIMS.

**Arizona’s School Accountability System Technical Manual** provides full details at:  
[http://www.ade.az.gov/oelas/Title III/TitleIIIAccountabilityTechnicalManual.pdf](http://www.ade.az.gov/oelas/Title%20III/TitleIIIAccountabilityTechnicalManual.pdf)

### **When will LEAs be held accountable for reaching these targets?**

LEAs receiving Title III funds are held accountable for meeting the AMAO’s target percentages, annually at the end of each school year. Goal percentages have been established for 2003 through 2014. LEAs receive preliminary determinations for meeting AMAOs in June and final determinations in August of each year.

### **Do these accountability provisions apply to charter schools?**

Direct-funded charter schools are considered LEAs and therefore are held accountable for meeting AMAO goals. Charter schools receive a determination at the same time as public districts each year. Additionally, charter schools that receive funds through a public district will be held accountable as part of the public district’s determination.

### **Do the Title III accountability measures apply to ELLs in private schools?**

No, private schools are not required to follow state program requirements for ELLs; therefore private school ELLs are not included in an LEA's accountability determinations.

### **How do the Title III accountability provisions affect LEA planning?**

The Title III AMAOs are a key component in the local evaluation of the effectiveness of services to English language learners. Title III funding should be used to make necessary changes in the services to ELLs as evidenced by failure to make AMAOs. For example, if an LEA’s AMAO determination defines grades 6-8 as missing the targeted percentage for reclassification, Title III funding should be directed into remedying the low reclassification rate at that grade span or school.

### **What are the consequences if an LEA does not meet the growth targets?**

If an LEA fails to meet the growth targets for two consecutive years, the LEA shall develop an improvement plan that will ensure that the AMAOs are met.

- a. The improvement plan shall specifically address the factors that prevented the LEA from achieving the AMAOs.
- b. The plan may apply to targeted schools rather than the entire LEA if the particular factors that prevented the LEA from meeting the AMAOs warrant such an approach.

If the LEA fails to meet the AMAOs for four consecutive years, in addition to the above, the state shall require the LEA to modify its curriculum, program, and method of

instruction and determine whether the LEA will continue to receive Title III funds (Section 3122 (b) (4)).

**Who should be contacted for more information on the AMAO determinations?**

Katherine Van Mourik may be contacted at [Hilde.Cohen@azed.gov](mailto:Hilde.Cohen@azed.gov) or 602-542-4062 for more detailed information on the AMAO determinations, annually.

## **PARENTAL NOTIFICATION**

**Which parents should receive the notifications required under Title III?**

Title III requires that the parents of students identified for a Title III program be notified of such participation. LEAs must use the state form for this purpose which is entitled the “*Parental Notification and Consent Form*”. The state “*Parental Notification and Consent form*” for Title III may be found on the website at: <http://www.ade.az.gov/oelas/ELLForms-StudentFiles/ParentalNotification.pdf>.

**What is the timeline for LEAs to provide parents with the notifications?**

Title III, Section 3302, has two timelines for providing parental notifications: one for the student who is new to the LEA and one for a continuing student.

- a. For ELLs who have been enrolled in the LEA since the previous school year, parental notifications must be provided no later than 30 calendar days after the beginning of the school year. LEAs should use the most current information available regarding each student in these notifications.
- b. For new enrollees entering after the beginning of the school year, LEAs must provide the parental notifications within two weeks of a child being placed in an English language program. The Title III notification is required after the assessments have occurred and a student is officially placed in a program.

**What kind of information must an LEA provide to parents regarding their child's participation in a language instruction program?**

Title III, Section 3302(a), requires that LEAs receiving Title III funds inform parents of the following items:

- The reasons for identifying their child as being limited-English proficient (LEP) and for placing their child in a language instruction educational program for ELL students,
- The child's level of English proficiency as measured by the AZELLA,
- The method of instruction that will be used in the program, including a description of alternative programs,
- How the program will meet the educational strengths and needs of the child,
- How the program will help the child learn English and meet academic achievement standards for grade promotion and graduation,
- The program exit requirement, including the expected rate of transition from the program to an English-language mainstream classroom and the expected rate of graduation from secondary school,
- How the program will meet the objectives of an individualized education program for a child with a disability, and
- The parents' rights in writing, including (A) the right to have their child immediately removed from a language instruction educational program on their request; and (B) the options that parents have in declining enrollment of their child in such a program or in choosing another program or method of instruction, if available; and (C) written



guidance assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered.

All information presented to a parent/guardian must be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

**What if a parent chooses another program or method of instruction?**

As noted above, a parent must be notified of the various programs offered by an LEA. In Arizona, there are three possible program options for students identified as English language learners: the Structured English Immersion Classroom, the Mainstream Classroom with an Individual Language Learner Plan (ILLP) or the Bilingual Classroom with a required waiver. Dependent upon the number of identified English language learners and an LEA's resources one or more program options may exist. If a parent chooses the bilingual program option, a parental waiver application must be approved before a student may be placed in a bilingual classroom.

**Are any other separate notifications required?**

LEAs are required to provide notice to the parents of students who participate in an ELL language instruction program funded under Title III of any failure of the LEA's program to make progress toward the AMAOs described in Section 3122 of Title III. This notice is to be provided no later than 30 days after such a failure occurs.

**How is a parent notified of the reclassification of their student from being an English language learner or LEP to "Fluent English Proficient" (FEP)? Once a student scores "proficient" in English is anything further required?**

If a student is assessed and is reclassified as FEP, then a letter is sent notifying the parent/guardian of the reclassification of the student. A sample reclassification letter is available titled "*Notification of Reclassification*", at <http://www.ade.az.gov/oelas/ELLForms-StudentFiles/SampleReclassificationForm.pdf>. The LEA is required to monitor the student's English proficiency as measured by AZELLA and the student's academic progress as measured by grade reports and state assessments for the two years following reclassification. (Title III, Section 3121(a)(4))

**PARENTAL REQUEST FOR STUDENT WITHDRAWAL FROM AN ENGLISH LANGUAGE LEARNER PROGRAM**

**What if a parent does not wish for his or her child to be in an English language learner program?**

The LEA must have on file, the "*Parental Request for Student Withdrawal from an English Language Learner Program*", completed with the parent/guardian signature.

<http://www.ade.az.gov/asd/lep/ELLForms-StudentFiles/ParentRequestforWithdrawal.pdf> .

This form is signed after a meeting with the school administrator during which all the alternative educational options are discussed and the administrator affirms the decision made by the parent/guardian that the student be placed in a "mainstream classroom." Title III, Section 3302 (a) (8) (i)]. Upon completion of this form, the student is immediately placed in a mainstream classroom and the student is withdrawn in SAIS from the ELL program with an exit reason of "Withdrawn by parent request" and an exit date.

**Why do students withdrawn by parental request need to be reassessed each year?**

Students who are withdrawn by parental request must be reassessed each year, at the end of the school year, until they score “proficient”. The No Child Left Behind Act of 2001 (Sec. 1111(b) (7) requires an annual assessment of English proficiency of all students with limited English proficiency. The continued assessment may assist teachers with differentiated instruction in the classroom and serve as a yearly summative assessment for the student’s English language acquisition.

**When should students be tested if they were withdrawn from a program during the 2009-2010 school year?**

The required end-of-year assessment of students withdrawn by parental request shall begin with the 2010-2011 school year. Students should be assessed after February 1, 2011.

**SPECIAL EDUCATION****What documentation is necessary for those Special Education students that must be assessed with the AZELLA?**

If the multidisciplinary evaluation team or Individualized Education Program (IEP) team decides that the AZELLA is inappropriate for a particular special education student, the LEA shall employ alternate procedures for identifying such students and for assessing and reassessing their English language proficiency. The IEP team determines the appropriate assessment procedures and all decisions must be documented in the IEP.

If the student is labeled as an English language learner, an AZELLA test must be provided for any attempts possible. This AZELLA test must be turned into Pearson for scoring as all students in an ELL program must have a current assessment in SAIS.

**Do students withdrawn by IEP need to be re-assessed?**

Students cannot be “Withdrawn by IEP.” At the annual IEP Team meeting, if parents and team members agree, a student may be withdrawn from an ELL program if a decision is made determining the student has had sufficient ELL services and the “disability” is the primary educational focus. The student is then withdrawn in SAIS using the exit code “Withdrawn due to SPED Criteria”. The IEP team must determine if further assessments are needed and document all decisions in the IEP and meeting notes.